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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,011	01/28/2000	Walter C. Slater	80428DAN	2934

1333 7590 12/06/2001

PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
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ROCHESTER, NY 14650-2201

EXAMINER
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BARTUSKA, FRANCIS JOHN

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 12/06/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/494,011

Applicant(s)

SLATER ET AL.

Examiner

F. J. BARTUSKA

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 33-37, 40 and 42-54 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Enomoto et al. Enomoto et al disclose a photofinishing method and system including receiving images at photo lab 12, associating the images with ID data (see col. 7, lines 41-47), creating a virtual batch (see col. 7, lines 14-32), converting non-digital images to digital (see col. 8, lines 42-46) and creating a virtual batch in a different sequence (see col. 7, lines 22 and 23 where it is disclosed that prints are made in the order of the delivery date).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 29-32 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al in view of Kristy. Enomoto et al show all the features of the applicants' claimed invention except that the images are optimized in the user processor 11 instead of the photofinisher processor 13. Kristy shows a photofinishing system in which the images are optimized at the photofinisher's processor 14, see

5, lines 25-33. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kristy to modify the system of Enomoto et al so the images are optimized at the photofinisher's processor.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al in view of Kristy. Enomoto et al show all the features of the applicants' claimed invention except the plurality of image obtaining devices. Kristy shows a film scanner and a CD reader to obtain images from different sources. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kristy to provide the system of Enomoto et al with a plurality of image obtaining devices in order to obtain images from different sources.

Claims 1-6, 8-19, 21-28 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al in view of Kristy. Enomoto et al show all the features of the applicants' claimed invention except the plurality of image obtaining devices and that the images are optimized in the user processor 11 instead of the photofinisher processor 13. Kristy shows a photofinishing system in which the images are

optimized at the photofinisher's processor 14, see 5, lines 25-33. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kristy to modify the system of Enomoto et al so the images are optimized at the photofinisher's processor. Further, Kristy shows a film scanner and a CD reader to obtain images from different sources. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kristy to provide the system of Enomoto et al with a plurality of image obtaining devices in order to obtain images from different sources.

Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto et al in view of Kristy as applied to claim 1 above. Further, merely calling for magnetic data to be written on the film would involve only a notorious expedient to one of ordinary skill in the art.

***Claim Rejections - 35 USC § 112***

Claims 43-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are indefinite because there is not proper antecedent basis for "said identification data".

***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meyers is cited to show the film port 22 and the electronic camera port 90. The British publication is cited to show a scanner that obtains image data from negatives or slides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

fjb  
December 6, 2001

  
F. J. BARTUSKA  
PRIMARY EXAMINER 12/6/01